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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,827

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Jan Tuma

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EXAMINER

NORRIS, JEREMY C

ART UNIT

PAPER NUMBER

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06/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,827	Applicant(s) TUMA, JAN	
	Examiner Jeremy C. Norris	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see the response, filed 05/18/2010, with respect to the rejection(s) of claim(s) 15-20 and 29-34 under 35 USC §102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as is disclosed below.

Applicant's arguments, see the response, filed 05/18/2010, with respect to the rejection(s) of claim(s) 21-28 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as is disclosed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15-20, 22, 26, and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US SIR H1471 (Braun) in view of US 4,429,348 (Dean).

Braun discloses, referring primarily to figure 1, an adhesive closure part, comprising: a flat carrier (10) having first (13) and second (11) opposite surfaces; and a circuit (20) directly on said second surface of said flat carrier, said circuit including at least one of an electrical component and electronic component (22). Braun does not specifically disclose adhesive closure elements of electrically insulating plastic projecting from said first surface of said flat carrier and comprising at least one of hooks, mushroom-shaped members and loops [claim 15]. Dean teaches attaching adhesive closure elements of electrically insulating plastic projecting from a first surface of a flat carrier and comprising at least one of hooks, mushroom-shaped members and loops (40, col. 2, lines 45-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the teachings of Dean into the device of Braun. The motivation for doing so would have been to allow the circuit board of Braun to be able to be mounted directly on a conductive metallic surface in a manner allowing ready removal and replacement without the use of tools (Dean col. 1, lines 35-45).

Additionally, the modified invention of Braun teaches, wherein another electrical or electronic component (22) is located one of in and directly on said flat carrier [claim 16], wherein another electrical or electronic component is integrated into said fiat carrier (rightmost component 22 as seen in figure 1 is integrated into the hole 34) [claim 17], wherein said one of the electrical component and electronic component comprises

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an application of one of thick and thin film technology (Braun, col. 5, lines 5-20) [claim 18], wherein another of an electrical or electronic component (24) is laminated onto said flat carrier [claim 19], wherein said circuit comprises electrical conductor strips (20) [claim 20], wherein said circuit comprises an integrated semiconductor component (Braun col. 2, lines 55-60) [claim 22], wherein said circuit comprises at least one receiving coil (24) for receiving electrical energy to operate said circuit by an electromagnetic field [claim 26], wherein said flat carrier and said adhesive closure elements are of at least one of the group consisting of duroplastic, thermoplastic, polymer plastic and acrylate plastic (Dean col. 2, lines 60-65) [claim 29], wherein said circuit comprises printed electrical conductors (20) directly on said flat carrier and connected to an electronic component (22, Braun col. 2, lines 55-65) [claim 30], wherein said circuit comprises printed electrical conductors (20) directly on said flat carrier connected to an electronic component (rightmost 22) integrated in said flat carrier [claim 31], wherein said circuit comprises printed electrical conductors (20) directly on said flat carrier connected to and extending from an electric component (24, Braun col. 2, lines 55-60) laminated directly on said flat carrier and connected to said printed electrical conductors [claim 32], wherein said circuit comprises first and second electrical conductors (30) directly on said flat carrier having adjacent ends abutting one another when said carrier is in one position and separated from one another when said flat carrier is in another position [claim 33], wherein said flat carrier is flexible and electrically insulating [claim 34].

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Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Braun in view of Dean as applied to claim 15 above, and further in view of US 6,080,110 (Thogersen).

Regarding claim 21, the modified invention of Braun teaches the claimed invention as described above except modified Braun does not specifically teach that the circuit has electrical or electronic sensors [claim 21]. However, it is well known in the art to comprise integrated circuit packages of sensors as evidenced by Thogersen (col. 3, lines 35-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to use an integrated circuit package with a sensor as the integrated circuit package in the modified invention of Braun. The motivation for doing so would have been to allow the circuit to sense an outside stimulus.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun in view of Dean as applied to claim 22 above, and further in view of US 6,173,899 B1 (Rozin).

Modified Braun teaches the claimed invention as described above except modified Braun does not specifically teach that said integrated semiconductor component comprises an electronic data memory [claim 23], wherein said electronic data memory stores data readable without contact [claim 24], wherein said data is storable without contact [claim 25]. However, Rozin teaches an integrated semiconductor component comprising an electronic data memory (Rozin col. 2, lines 45-60 and col. 3, lines 10-25), wherein said electronic data memory stores data

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readable without contact (Rozin col. 1, lines 5-15), wherein said data is storable without contact (Rozin col. 1, lines 5-15) [claim 25]. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include memory with the IC and a coil for contactless reading in the board of modified Braun as is known in the art and evidenced by Rozin. The motivation for doing so would have been to allow the device of modified Braun to receive, process, and store signals.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun in view of Dean as applied to claim 15 above, and further in view of US 5,898,290 (Beard).

Regarding claims 27-28, Dean discloses the claimed invention as described above except Dean does not specifically disclose wherein the circuit has an energy storage device [claim 27] wherein said energy storage device is an electrochemical storage device being an application of thin or thick film technology [claim 28]. However, it is well known in the art to provide chemical batteries in a circuit as evidenced by Beard (col. 5, lines 20-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to add a chemical battery to the modified invention of Braun. The motivation for doing so would have been to power the electrical circuit. Additionally, the limitation "in thin or thick film technology" is a process limitation in a product claim and thus has been considered only to the extent that said process impacts the structure of the device. Moreover, it has been held "even though product-by-process claims are limited by and defined by the process, determination of

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patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964,966 (Fed. Cir. 1985).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is (571)272-1932. The examiner can normally be reached on Monday - Thursday, 8:00 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee J. Lee can be reached on 571-272-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy C. Norris/
Primary Examiner, Art Unit 2841

Jeremy C. Norris
Primary Examiner
Art Unit 2841